

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARTIN J. WALSH,)	
SECRETARY OF LABOR,)	
U.S. DEPARTMENT OF LABOR,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. 4:22-cv-3246
v.)	
)	
PACKERS SANITATION SERVICES,)	
INC., LTD.)	
)	
Defendant.)	

DECLARATION OF LUCÍA MEJÍA

I, Lucía Mejía, declare under penalty of perjury, as prescribed in 28 U.S.C.

§ 1746, that the following is true and correct:

1. I am an investigator for the United States Department of Labor, Wage and Hour Division’s Minneapolis District Office. I was assigned to assist the lead investigator, Matt Latuff, investigate the Defendant’s compliance with the child labor provisions of the Fair Labor Standards Act (“FLSA”).

2. I have been an investigator with Wage and Hour for over eight years. I have conducted over 210 investigations: 115 as the lead investigator, including about five investigations focusing on child labor.

3. The statements made herein are based on my training and experience, my personal knowledge, observations made during the execution of the warrant involving Defendant (as discussed below), as well as conversations with representatives and employees of the Defendant in this matter.

The Defendant

4. Packers Sanitation Services, Inc., Ltd., which may also operate as or do business as Packers Sanitation Services, LLC, (“PSSI”) is a cleaning and sanitation company that provides contract work at meat processing facilities. This PSSI location at 1016 Oxford St., Worthington, Minnesota 56187, is a workplace where PSSI currently recruits and signs up employees to work for PSSI at a meat processing facility located at 1700 Highway 60 N.E. in Worthington, MN. The meat processing facility is owned and/or operated by JBS USA or one of its affiliates (“JBS”).

The Investigative Findings

5. On August 24, 2022, the Wage and Hour Division initiated an investigation of PSSI to determine whether its practices complied with the FLSA, including its child labor provisions.

6. I have been responsible for conducting surveillance, interviews, and for conducting a limited records review related to the interviewees and other school records. I was also assigned to assist the lead investigator, Matt Latuff, for the PSSI storefront and recruitment location at 1016 Oxford St. in Worthington, MN.

7. From October 3, 2022, to October 4, 2022, I conducted surveillance at the JBS plant located at 1700 Highway 60 N.E., along with Wage and Hour Investigator (“WHI”) Matt Latuff and Assistant District Director (“ADD”) Jill Azocar. Between the hours of 11:00 p.m. and 1:00 a.m., I observed approximately sixty (60) workers enter the facility. Many of the workers appeared to be under the age of 18 years.

8. On October 13, 2022, I conducted surveillance at the JBS plant, along with Regional Enforcement Coordinator (“REC”) Raul Esparza. Between the hours of 12:30

a.m. and 1:50 a.m., I observed approximately fifty-five (55) workers exit the facility. None of the workers exiting the facility appeared to be under the age of 18 years. This surveillance assignment preceded serving the warrant.

9. On October 3, 2022, WHI Latuff, ADD Azocar, and I visited the Worthington High School located at 1211 Clary Street in Worthington, MN, and served a subpoena to the high school principal and superintendent. On October 4, 2022, we interviewed school staff and received all requested records within the scope of the subpoena.

Execution of the Warrant

10. Wage and Hour obtained warrants from U.S. Magistrate Judge Elizabeth Cowan Wright, in the District of Minnesota, authorizing Wage and Hour to inspect and enter PSSI's storefront facility at 1016 Oxford St., Worthington, MN 56187, and the JBS pork production facility at 1700 Highway 60 N.E., Worthington, MN 56187, and "to inspect the production facility of JBS Live Pork, LLC ("JBS") and, relatedly, Packers Sanitation Services, Inc. Ltd. ("PSSI") under section 11(a) of the FLSA, including but not limited to transcribing or copying all relevant records and data in whatever form maintained including paper or electronic for the previous three-year period, and privately questioning any workers or employees on the premises during working hours, regarding alleged violations of Sections 6, 7, 11, 12, and 15(a) of the Act, 29 U.S.C. §§ 206, 207, 211, 212, 215(a)."

11. On October 13, 2022, Wage and Hour executed a warrant at the JBS meat processing facility located at 1700 Highway 60 N.E., Worthington, MN 56187. The warrants were executed during the workers' overnight shift. I, along with WHI Latuff,

ADD Azocar, WHI Jovanny Sanchez, WHI Lisa Juarez-Sandifer, REC Amanda Christopoulos, and REC Esparza arrived at the JBS facility at 2:00 a.m. WHI Latuff produced a copy of the warrant to JBS, and we were permitted entry into the JBS facility.

Observations at the Facility

12. ADD Azocar, WHI Sanchez, WHI Juarez-Sandifer, and I entered the facility together.

13. I was tasked with conducting interviews of PSSI workers employed at the JBS facility.

14. When I entered the room where two workers were actively performing sanitation work, I very briefly spoke to the worker who was closest to the door, and I asked him if he was a PSSI worker. He stated they were JBS workers, as the PSSI workers were on break. I couldn't see how the room was divided because there was water splashing everywhere and it was hard to see. It was also extremely noisy. Because it was hard to hear, the JBS employee gestured with his hands to indicate that if I followed the hallway, I would see the breakroom. I briefed the rest of the group, and we walked down the hallway to the breakrooms and found several PSSI workers sitting there. WHI Juarez-Sandifer and I proceeded to interview workers who appeared to be younger than 18 years of age.

15. The workers were not wearing a PSSI badge at that time. They were all wearing brown rain boots and casual clothing. I could not tell PSSI and JBS workers apart just by looking at their attire.

16. One worker who appeared to be younger than 18 stood up mid-interview to talk to a man wearing a green safety helmet; the worker I spoke with identified him as

“Pedro.” Later, that worker ended the interview and walked away, yelling at ADD Azocar that they did not want to talk to people they did not know.

17. Several other workers who appeared to be younger than 18 claimed to be 18, but said they did not have any identification on them and refused to answer most of the questions I asked.

18. One worker who appeared to be younger than 18 claimed they were 22 years old. They stated “someone” sent them to the breakroom to be interviewed but was told they only could stay for five minutes. They refused to provide the name of the person who told them this. They claimed to not have any form of ID with them or in their car. They kept receiving and sending text messages throughout the interview, and every time they got a new text, they stated that it was time for them to go. I asked them who was texting them, and they said it was a “friend.” They informed me that they really had to go this time and walked out in the middle of the interview.

19. I speak and write Spanish fluently. As the workers I interviewed were not fluent English language speakers, I conducted my interviews with these workers in Spanish.

Interviews with Minor Children

Minor Child EE

20. During the interview, which took place on October 13, 2022, at the JBS facility, Minor Child EE disclosed their work name, date of birth, and work department.

21. A review of PSSI’s records indicated Minor Child EE was 17-years-old when hired. Minor Child EE was identified by cross-referencing their work name with the biometric clock-in records provided by PSSI. Using their date of birth, which was also

identified in their interview statement, and the October 22, 2021, clock-in records, it was disclosed that Minor Child EE was employed by PSSI at the age of 17-years-old.

22. The records also disclosed that they were employed to sanitize the New Loin Department. The equipment located in the New Loin Department included the west sirloin saw, west loin bone grinder, west loin smoking saw, and band saw.

Minor Child P

23. The interview with Minor Child P lasted approximately 35 minutes. Throughout the interview, they kept sending and receiving text messages and looked nervous. They spoke softly, even though we were far away from other employees, so they could not hear the conversation. They stated that they could not continue the interview because they had to go home and get ready for school. They received a phone call, but I could not see the name on the screen. They got up and said they had to go.

24. The interview disclosed that Minor Child P used a different name for work.

25. Minor Child P's work at PSSI involved cleaning the conveyer belt, machines that process the meat, pick up meat from the floor, and uses a pressure hose. They also worked on the kill floor.

26. Minor Child P attends the Worthington High School and is currently in ninth grade.

27. Minor Child P refused to say how old they were but did provide a birth date that would make them 18 years old.

28. On the morning of October 13, 2022, at approximately 9:00 a.m., ADD Azocar, REC Esparza and I followed up with the School District to confirm identities and birth dates of identified workers that also attended the Worthington High School. It was at

that time that Minor Child P, who initially claimed to be 18 years of age, was identified as being 17-years-old. The school provided documents reflecting their photo, legal name, and date of birth.

Minor Child S

29. ADD Azocar and I spoke to Minor Child S during a visit to Marshall Senior High School on September 29, 2022.

30. Based on school records (that had been obtained via subpoena) showing Minor Child S's date of birth, as well as information regarding how long they worked for PSSI (8 months), we confirmed Minor Child S was hired by PSSI when they were 16-years-old.

31. Minor Child S worked for PSSI at the Turkey Valley Farms plant in Marshall, MN.

32. Minor Child S worked from 10:00 p.m. to 4:00 a.m. during the school year and 8:00 p.m. to 4:00 a.m. during the summer.

33. Minor Child S cleaned the meat grinders with a pressure hose.

34. Minor Child S stated that Minor Child T also worked at PSSI.

Minor Child T

35. ADD Azocar and I spoke to Minor Child T during a visit to Marshall Senior High School on September 29, 2022.

36. Based on school records (that had been obtained via subpoena) showing Minor Child T's date of birth, as well as information regarding how long they worked for PSSI, we confirmed Minor Child T was hired by PSSI when they were 17-years-old.

37. Minor Child T also worked for PSSI at the Turkey Valley Farms plant in Marshall, MN.

38. According to Minor Child T, “everyone there knew” that they were a minor when they started with PSSI.

39. Minor Child T uses a pressure hose to clean the conveyer belts and other machines.

40. Minor Child T confirmed that Minor Child S also worked for PSSI.

Executed on this 2d day of November 2022.


LUCÍA MEJÍA